IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Bail Appl..No. 4577 of 2007()

CRIME NO.257/07 OF PARASSALA POLICE STATION

: PETITIONER/1ST ACCUSED:

SANTHOSH KUMAR, AGED 29 YEARS,
S/O. LAKSHMANAN NADAR, CHERUVALLI VILAKOM,
ANANDA VILASAM BUNGALOW, MURIYANKARA, NADUVANVILA,
PARASSALA (P.O), THIRUVANANTHAPURAM.

BY ADV. SRI.NAGARAJ NARAYANAN

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR OF
KERALA HIGH COURT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/08/2007 ALONG WITH B.A.NO.4671 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.NoS. 4577 and 4671 of 2007

Dated this the 2nd day of August, 2007

ORDER

These applications are for anticipatory bail. The petitioners are accused 1 to 3 in a crime registered, inter alia, under Section 308 I.P.C. Altogether there are 4 accused persons. The crux of the allegations is that the victims, linemen employed by the K.S.E.B were assaulted and deterred while on duty. They were clearing the electricity line by cutting the overhanging branches. The petitioners allegedly insisted that they must cut the branches of a teakwood tree which caused no danger to the line at all. There was a dispute and quarrel and the petitioners allegedly assaulted the victims. They were hit with stones, it is alleged. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations raised are totally incorrect and false. In fact, the petitioners were victims of aggression by the high handed acts of the Electricity Board officials. The allegations raised are totally incorrect and false. The 1st accused had suffered an injury when he was hit with a player, the equipment of lineman. Seven stitches had to be applied suggesting the gravity of the injury suffered. To cover up the complicity of the linemen, allegations

have been raised and the police have willingly obliged them by including Section 308 I.P.C. The attempt is transparently malicious and and vexatious. The attempt is to deny regular bail to the petitioners for as long a period as possible, the offence under Section 308 I.P.C being triable exclusively by a Court of Session.

3. The learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the circumstances to which brief reference has already been made above, that anticipatory bail, subject to appropriate conditions which shall ensure the interests of a fair, efficient and expeditious investigation, can be granted in favour of the petitioners.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 10.08.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 11.08.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 10.08.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.08.07.

(R.BASANT, JUDGE)

rtr/-